

Docket No.: 000166.005 LUSO

(PATENT)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jean Mesens, et al.

Application No.: 09/578,908-8073

Group Art Unit: 1626

Filed: May 26, 2000

Examiner: E. Sackey

For: MICROENCAPSULATED 3-PIPERIDINYL-  
SUBSTITUTED 1,2-BENZISOXAZOLES AND  
1,2-BENZISOTHIAZOLES

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**TERMINAL DISCLAIMER**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

The undersigned is empowered to act on behalf of the organization, Janssen Pharmaceutica. Janssen Pharmaceutica certifies that it is a co-owner of 100% interest in the above identified patent application, as evidenced by the attached assignment, said assignment having been recorded in the U.S. Patent and Trademark Office on March 15, 1994 at Reel 6948, Frame(s) 282.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,770,231. The owner hereby agrees that any patent that is granted on the above-identified application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assignees.

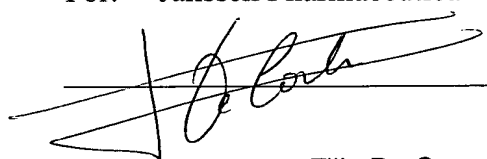
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the

full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Our check in the amount of \$110.00 covering the fee set forth in 37 CFR 1.20(d) is enclosed. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Order No. 000166.0051-US05. A duplicate copy of this paper is enclosed.

For: Janssen Pharmaceutica



Dated: September 25, 2001

Filip De Corte, Ph. D.  
European Patent Attorney, Senior Dir.  
Head of the J&J Patent Law Department